

**ORDINANCE NO. 12-36**

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 98 ENTITLED "ZONING" OF THE CODE OF ORDINANCES AND IN PARTICULAR AMENDING HIALEAH CODE § 98-497 ENTITLED "ADDITIONAL USES" TO INCLUDE PIGEON LOFTS AS A PERMITTED ADDITIONAL USE IN THE R-1 ONE-FAMILY DISTRICT, AND AMENDING ARTICLE VI. SUPPLEMENTARY DISTRICT REGULATIONS TO ESTABLISH SETBACK, SIZE AND OTHER RESTRICTIONS APPLICABLE TO PIGEON LOFTS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, exhibition and racing of certain breeds of domestic pigeons is enjoyed by many worldwide and is representative of the interests of the members of our community;

**WHEREAS**, it is in the best interest of the health, safety and general welfare of the community and the residents of the City of Hialeah to establish optimum conditions under which the keeping of domesticated pigeons will provide the freedom to those who enjoy the sport and protect the community at large from the recognized health and safety risks and annoyance associated with uncontrolled pigeon populations or feral pigeons in general;

**WHEREAS**, the specific purpose and intent of this ordinance is to establish minimum requirements designed to ensure lofts are situated, built and maintained in such a manner as to prevent or minimize the effects on adjoining properties; and

**WHEREAS**, the Planning and Zoning Board at its meeting of May 23, 2012 recommended approval of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

**Section 1:** Chapter 98 entitled "Zoning" of the Code of Ordinances of the City of Hialeah, Florida, is hereby amended to read as follows:

Chapter 98

**ZONING**

\* \* \*

**ARTICLE V. ZONING DISTRICT REGULATIONS**

\* \* \*

**DIVISION 3. R-1 ONE-FAMILY DISTRICT**

\* \* \*

**Sec. 98-497. Additional Uses.**

The following additional uses shall be permitted in the R-1 one-family district, subject to setback, yard, height and other restrictions as set out in this division or as specifically set out for each use:

\* \* \*

(8) One pigeon loft shall be permitted in detached single-family homes on lots of no less than 50 feet wide by 100 feet in depth to accommodate no more than a total of 20 domestic pigeons, including pigeon cocks, pigeon hens, and pigeon hatchlings or offspring. To the extent that a townhouse is situated in a R-1 district, the loft may be permitted on lots of no less than 135 feet in depth to accommodate no more than a total of ten domestic pigeons, including pigeon cocks, pigeon hens, and pigeon hatchlings or offspring. This use shall be permitted, subject to the same restrictions herein, for townhouses situated in the R-4 Townhouses zoning district.

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**ARTICLE VI. SUPPLEMENTARY  
DISTRICT REGULATIONS**

\* \* \*

**DIVISION 3. BUILDINGS AND  
STRUCTURES**

\* \* \*

**Sec. 98-1680. Pigeon Lofts**

(a) Construction standards. Detached pigeon lofts shall be constructed in a tradesman-like manner and of new

materials. It must be weatherproof and constructed and maintained in a manner as to prevent the harborage of vermin and other pests. If wood is used, it must be pressure treated and all connectors must be galvanized. It shall be elevated at least one and one-half foot off the ground and properly anchored to the ground. A concrete slab of at least four inches thick and having an apron exceeding the perimeter of the loft by six inches all around is encouraged. There shall be at least two feet of pervious area surrounding the concrete pad to allow for adequate drainage. The loft shall have four walls, be no greater than 64 square feet, for lofts in single-family homes housing a maximum of 20 pigeons, or no greater than 40 feet, for lofts in townhouses housing a maximum of ten pigeons, and not exceed seven and a half feet in height, when measured from the ground level. The suspended floor shall be constructed of wood with absorptive qualities for regular ease of scrape cleaning. The floor shall be scraped and cleaned at least once every week. The roof shall have an overhang on all sides sufficient to protect the interior from rain. The loft, including the roof, shall be clad with a smooth material. There shall be no electrical or plumbing service. The loft shall be evenly painted.

(b) *Loft setbacks and site requirements.* The loft shall be located in the rear yard with at least ten feet of separation from the rear and side property lines and ten feet from the main residential building. The loft shall not be placed within an accessory building, shed, open or enclosed terrace or other enclosed space. If no concrete pad is built, then the loft shall be placed on a pervious surface such as lawn, soil, or gravel, exceeding the perimeter of the loft by at least two feet. No waiver or variance of the number of pigeons, number, size, or location of the loft shall be granted. Only applications for variances of the lot size and setbacks may be considered.

(c) *Registration.* Prior to constructing the loft and keeping pigeons pursuant to this section, the pigeon fancier must make an application for a certificate of registration on a form approved by the City. The applicant must submit a sketch of the loft proposed to be built including details of all the specifications required herein, proof of membership with a chartered pigeon club, proof of pigeon registration or ownership, proof of property ownership or lawful tenancy and an application fee of \$60.00. The City shall conduct an

inspection of the property for compliance with all the requirements of this section within thirty days from the receipt of the application. The City shall inspect the property each year thereafter upon payment of a \$25.00 re-inspection fee. Failure to timely apply for the annual re-inspection shall constitute a violation of this section.

\* \* \*

**Section 2:    Repeal of Ordinances in Conflict.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 3:    Penalties.**

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty described above, the City may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

**Section 4:    Inclusion in Code.**

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Hialeah, as an addition or amendment thereto, and the sections of this ordinance shall be renumbered, as appropriate, to conform to the uniform numbering system of the Code.

**Section 5:    Severability Clause.**

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent

jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

**Section 6:     Effective Date.**

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

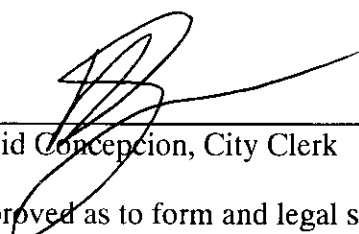
PASSED AND ADOPTED this 26th day of June, 2012.

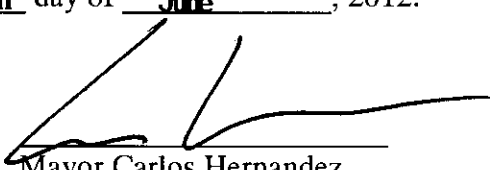
THE FOREGOING ORDINANCE  
OF THE CITY OF HIALEAH WAS  
PUBLISHED IN ACCORDANCE  
WITH THE PROVISIONS OF  
FLORIDA STATUTE 166.041  
PRIOR TO FINAL READING.

  
\_\_\_\_\_  
Isis Garcia Martinez  
Council President

Attest:

Approved on this 28th day of June, 2012.

  
\_\_\_\_\_  
David Concepcion, City Clerk

  
\_\_\_\_\_  
Mayor Carlos Hernandez

Approved as to form and legal sufficiency:

  
\_\_\_\_\_  
William M. Grodnick, City Attorney

Strikethrough indicates deletion. Underline indicates addition.

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Ordinance was adopted by a unanimous vote with Councilmembers, Caragol, Casals-Muñoz, Cue-Fuente, Garcia-Martinez, Gonzalez, Hernandez and Lozano voting "Yes".